

**EXHIBITS - MARKING, LISTING AND CUSTODY**  
for United States District Court Magistrate/Judge  
MICHELLE H. BURNS

**Prior to meeting with the Clerk, the following procedure shall be followed by counsel or counsel's representative:**

**USE OF LABELS/COVER SHEET**

1. Exhibit labels are divided by color to indicate whether the exhibit is offered by plaintiff (YELLOW) or defendant (BLUE).
2. Place the exhibit label in the lower right-hand corner of a blank sheet of paper (see attachment #1) and run as many copies as needed in the appropriate color, and staple one to the top of each exhibit.
3. If the exhibit is a photo or item smaller than 8"x10", **STAPLE** it to plain paper or the cover sheet label form. **Photos** that are 8"x10" should have the exhibit tag sticker on the reverse side, **LOWER** right-hand CORNERS. (Exhibit tag stickers can be obtained from the courtroom clerk, on a limited basis.) The exhibit tag sticker can also be used for large demonstrative items that will possibly be admitted as evidence.
4. Large or bulky items may require the use of tie tags. The exhibit label is placed on a tag or may be marked in a logical location on the item or on the plastic bag containing the item.
5. Large charts should be identified in the lower right-hand corner with an exhibit label. If the item is an enlargement of another marked exhibit, it should be numbered as a sub-part of the smaller exhibit.

**NUMBERING**

1. Blocks of numbers are assigned to each side (see or call courtroom clerk). The plaintiff is normally given number 1 through the estimated number of exhibits. Defendant is given numbers starting after plaintiffs but allowing space for additional exhibits marked during trial (example: Plaintiff 1-80 and Defendant 100- ).
2. Plaintiff and defendant should consult as to marking exhibits to avoid **HAVING DUPLICATES**. If the plaintiff marks a document, the defendant should not mark the same document. The exhibits are considered court exhibits, not plaintiff or defendant. Either side may move the other's exhibits into evidence.
3. Use **NUMBERS ONLY** with the exception of identifying sub-parts; i.e., 3a, 3b, 3c. If the sub-parts will be more than a - z, commence with another number; i.e., 4a, 4b, 4c. Categorizing exhibits should be kept as simple and clear as possible. For the most part, **USE NUMBERS**.
4. Multiple page exhibits should have each page marked for easy reference and should be stapled or ACCO fastened, please do not use paper or binder

clips. In bulky documents, BATES stamp numbers may be placed on each page and can be continuous numbering.

5. Blocks of numbers may be used to categorize exhibits; i.e., series 1-99 are Bank Records; series 100-199 are Tax Returns; series 200-299 are photographs; series 300-399 is Miscellaneous. The exhibit list will break down the categories and should be tabbed accordingly.

#### **USE OF FOLDERS**

1. Place exhibits loose in folders so that the exhibit may be pulled out of the folder during trial. **DO NOT** attach the exhibit to the file folder. Label the top of the folder to identify the exhibit.

2. If there are many folders, place them in a box in numerical order. On the outside of the box, indicate which exhibits are contained therein. Leave room in the box for any extra exhibits that may be submitted during trial.

3. The boxes of exhibits are to be given to the courtroom clerk by noon of the working day immediately prior to trial/hearing or any such time as the court requires.

4. **DO NOT PLACE TRIAL EXHIBITS IN BINDERS** except when the binder is considered **ONE** exhibit. Mark the binder with an exhibit label in the lower right-hand corner.

#### **JUDGE'S SET**

The judge's copies of exhibits **may be** placed in binders and tabbed. The judge's copies should not have original exhibit stickers on them.

#### **EXHIBIT LISTS**

1. Exhibits shall be listed on the exhibit list provided (see attachment #2) or reproduced on a word processor, as long as it follows the same format. The form is self-explanatory. Be sure to leave enough **SPACE** at the end of the list to add additional exhibits. Each page should be completed to the end with blank blocks. Extra blank pages would be appreciated for both the exhibit and witness list. The exhibit number and description should be started at the top of each block. Please leave extra blank spaces between each exhibit.

2. Provide the courtroom clerk with the original and two copies of the exhibit list with the exhibits. Please place on colored paper (yellow for plaintiff or blue for defendant).

## **WITNESS LISTS**

1. Witnesses shall be listed on the witness list provided (see attachment #3) or reproduced on a word processor, as long as it follows the same format. Witnesses should be listed in alphabetical order. Names should be at the top of the block; extra spaces should be left between names; this is helpful when names have to be added that are not on the list.
2. Provide the courtroom clerk with the original and two copies of the witness list along with the exhibits. Please place on colored paper (yellow for plaintiff or blue for defendant).

## **SENSITIVE EXHIBITS**

1. Pursuant to General Order 160 dated July 30, 1987, "the arresting or investigative agency or designated representative shall retain custody of sensitive exhibits prior to, throughout, and after the trial. Sensitive exhibits shall include drugs and drug paraphernalia, guns and other weapons, money and any other exhibits designated as sensitive by the court."
2. The courtroom clerk will not take custody of any sensitive exhibits. During lengthy breaks and at close of the day, these exhibits are returned to the government (usually the agent) until Court resumes.

## **STIPULATED EXHIBITS**

1. In civil trials, parties may agree on most of the exhibits prior to trial/hearing and as listed in the Pretrial Order. Counsel may give the courtroom clerk a list of the stipulated exhibits to be marked in evidence before moving for their admission. In criminal trials, stipulated exhibits usually come in one at a time during the course of trial.

## **DEPOSITIONS**

1. Depositions **DO NOT** have to be marked as an exhibit. Identify them as plaintiff/defendant (so they will be returned to the correct party after trial), place them in alphabetical order and give them to the courtroom clerk the morning of trial/hearing.

## **MEDICAL OR TECHNICAL TERMS**

1. Provide a list of medical or technical terms for the court reporter prior to the trial commencing.

## **ADDITIONAL EXHIBITS INTRODUCED AT TRIAL/HEARING**

When adding exhibits during the course of the trial, you **MUST** provide the clerk with two sets along with corresponding cover sheets and tabs. You

must also provide the clerk with two sets of updated exhibit listing (one for the court record and the other for the judge's set).

#### **ADMITTED EXHIBITS**

Toward the last day of the trial/hearing the clerk will provide counsel with a copy of the exhibit listing showing which exhibits have been admitted into evidence and which ones have not. It is counsel's responsibility to have any exhibits not admitted in evidence to move their admission before the end of the trial/hearing.

#### **RETURN OF EXHIBITS**

1. Pursuant to Local Rule 1.3(a), all exhibits are returned to respective parties after trial for them to keep custody pending all appeals; or if the exhibits are not picked up within 30 days of the Notice of Return of Exhibits, Local Rule 1.3(c), the clerk may destroy or otherwise dispose of those exhibits.

#### **EQUIPMENT**

If counsel have a need for certain equipment such as a television, a VCR, an overhead projector, an easel, etc., to use during the trial, counsel shall give the courtroom clerk as much notice as possible (not less than 48 hours) so that said equipment may be located and set up without delaying the trial.

If you have any questions, or need exhibit labels, please do not hesitate to contact the courtroom clerk.

Thank you,

Kathy Lara  
Magistrate Courtroom Clerk  
(602) 322-7242

Elida Carranza  
Judge Burns Judicial Assistant  
(602) 322-7610

**ATTACHMENT #1**

CASE NO. \_\_\_\_\_

VS. \_\_\_\_\_

PLAINTIFF'S EXHIBIT \_\_\_\_\_

DATE: \_\_\_\_\_ IDEN.

DATE: \_\_\_\_\_ EVID.

BY: \_\_\_\_\_

Deputy Clerk

CASE NO. \_\_\_\_\_

VS. \_\_\_\_\_

DEFENDANT'S EXHIBIT \_\_\_\_\_

DATE: \_\_\_\_\_ IDEN.

DATE: \_\_\_\_\_ EVID.

BY: \_\_\_\_\_

Deputy Clerk

**ATTACHMENT #2**



## EXHIBIT LIST

/\_\_\_/ Jury Trial

JUDGE CODE: 70BT      DATE: \_\_\_\_\_

\_\_\_\_/ DEFENDANT / RESPONDENT

[illegible]

**ATTACHMENT #3**

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

## WITNESS LIST

/\_\_\_/ Evidentiary Hearing

/\_/TRO

\_\_\_ Non-Jury Trial

/\_\_/ Jury Trial

Case Number \_\_\_\_\_ JUDGE CODE: 70BT

DATE: \_\_\_\_\_

VS

/\_\_/ PLAINTIFF / PETITIONER

/\_\_\_/ DEFENDANT / RESPONDENT

[illegible]